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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
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NGUYEN, THUY-AI N				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Response to Arguments

Applicant's arguments filed on August 28, 2008 have been fully considered but they are not persuasive.

According to the applicant's argument of claims 1-7, the applicant argues that the combination of the references does not describe or suggest selecting pH from 2 to 6.5. Jutila discloses the composition wherein the ratio of anionic surfactant over trimethylglycine is 1/2 as described in the rejection. Because Jutila and Lyle et al. disclose similar composition comprising anionic surfactant lauryl ether sulfate and zwitterionic surfactant or betaine, one would use the pH 4.9 of Lyle et al. in the composition of Jutila, which is in the range as said above by the applicant.

Applicant argues that it would not have been obvious to modify composition of Jutila to have a pH to 4.9 of Lyle et al. This is not persuasive because Jutila and Lyle et al. have very similar compounds and carry the same range of pH. Although cocoamidopropyl betaine and trimethylglycine are different compounds, they are zwitterionic surfactants that they both share the same properties of zwitterionic surfactants and have the same backbone. Lyle et al. also disclose other zwitterionic surfactants that have similar structure with trimethylglycine [0052 and 0059]. In addition, Lyle et al. disclose a composition having a pH from 4.9 [0084] up to 7.0 which is in the range of Jutila (see the table p. 8, [0101]). In addition to the similar compounds

and pH as said above, Jutila and Lyle et al. are in the same field of skin care which is about cosmetic composition for cleansing and cleaning. Even though Jutila and Lyle et al. have different approach as said by the applicant, one would use the teaching of Lyle et al. to modify the composition of Julita because Jutila and Lyle et al. have many similarities as said above.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THUY-AI N. NGUYEN whose telephone number is (571)270-3294. The examiner can normally be reached on Monday-Friday: 8:30 a.m. - 5:00 p.m. eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

THA

/David Wu/
Supervisory Patent Examiner, Art Unit 1796